

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
Eastern Division
Docket No. 4:95-CR-57-4F**

United States Of America)
)
) **JUDGMENT**
vs.)
)
Michael Smith)

On this the 10th day of April, 2007, comes Dwayne K. Benfield, U.S. Probation Officer, in open court at Wilmington, North Carolina, who shows the court that Michael Smith appeared before the Honorable James C. Fox, Senior U.S. District Judge, with counsel on March 18, 1996, and upon a plea of guilty to Conspiracy to Possess With Intent to Distribute in Excess of 50 Grams of Cocaine Base was sentenced to the custody of the Bureau of Prisons for a term of 90 months. Additionally, it was ordered by the court that the defendant be placed on supervised release for 60 months upon release from imprisonment. Michael Smith was released from custody and the term of supervised release commenced on December 31, 2001.

On March 29, 2005, the defendant appeared with counsel pursuant to a Motion for Revocation for cocaine use. Supervision was revoked and an active sentence of 24 months was imposed. Additionally, it was ordered that the defendant be placed on supervised release for a term of thirty-six months under the standard conditions of supervised release.

The defendant was released from custody on October 2, 2006, at which time the term of supervised release commenced. On October 23, 2006, via a Petition for Action on Supervised Release, the conditions of supervision were modified to include, drug aftercare, DROPS and participation in vocational training.

From evidence presented, the court finds as a fact that Michael Smith, who is appearing before the court with counsel, has violated the terms and conditions of the judgment as follows:

1. Using a controlled substance.
2. Frequenting a place where controlled substances are illegally sold, used, distributed, or administered.
3. Failure to report to the probation officer as directed by the court or probation officer.
4. Failure to participate as directed in a urinalysis program.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the supervised release term heretofore granted be revoked, and the defendant is ordered committed to the custody of the Bureau of Prisons or its authorized representative for imprisonment for a period of 10 months.

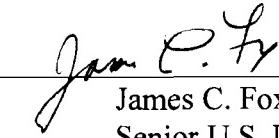
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IT IS FURTHER ORDERED that upon release from custody, the defendant be placed on supervised release for a term of 26 months under the standard conditions of supervised release and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in such vocational training program as may be directed by the probation office.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

IT IS FURTHER ORDERED that the Clerk deliver three certified copies of this Judgment to the U.S. Marshal or other qualified officer and that the same shall serve as the commitment herein.

This the 10th day of April, 2007.



James C. Fox
Senior U.S. District Judge